



IAP12 Rec'd PCT/PTO 04 JUN 2007

DAC # 11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. National Stage Appln. of	)	
Lutz Axel MAY	)	Art Unit: Unassigned
Serial No.: 10/529,326	)	Examiner: Unassigned
Filing Date: March 25, 2005	)	Confirmation No.: 8656
I.A. No. PCT/EP03/10634	)	Attorney Docket No. 119508-00282
I.A. Filing Date: September 24, 2003	)	
Priority Date: September 25, 2002	)	
For: TORQUE SIGNAL TRANSMISSION	)	

SECOND RENEWED PETITION UNDER 37 C.F.R. § 1.47(b)

RECEIVED

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1 AUG 2007

Legal Staff  
International Division

Sir:

The owner of the above-cited patent application, Abas, Inc., a wholly-owned subsidiary of Methode Electronics, Inc., (hereinafter "Rule 1.47(b) applicant") respectfully requests reconsideration of the dismissal of its previously submitted original Petition Under 37 C.F.R. § 1.47(b) (which requested that the above-captioned patent application be accepted without the signature of the inventor, Lutz Axel May), and the dismissal of its previously submitted renewed Petition Under 37 C.F.R. § 1.47(b). The Rule 1.47(b) applicant requests reconsideration on the merits based on the following:

- This Second Renewed Petition, including the Exhibit submitted herewith;
- The Rule 1.47(b) applicant's original and Renewed Petition and referenced enclosures, exhibits, and other papers submitted therewith.

This Second Renewed Petition contains additional information not contained in the previously-submitted Petitions.

**A. Background**

The Decision on Petition dated April 2, 2007, states that six items must be satisfied before a Petition Under 37 C.F.R. § 1.47(b) may be granted. With regard to the original and first Renewed Petition, the Patent Office found that items (1), (3), (4), (5), and (6) have been satisfied, but that item (2) (i.e., “Factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort”) has not been satisfied.

**B. Item (2): Factual Proof That The Inventor Refuses To Execute The Application Or Cannot Be Reached After Diligent Effort**

In the Rule 1.47(b) applicant’s original Petition, a Declaration of Alexander Straus was provided that indicated that Lutz May had been contacted on several occasions and requested to execute the application papers in connection with this and other patent applications. A certified English translation of the various letters and delivery certificates concerning the aforementioned contacts with Lutz May have previously been submitted. In particular, two letters, both dated August 24, 2005, from Alexander Straus to Lutz May’s attorney were provided in which was indicated that Dr. Straus forwarded the application papers and Declaration/Power of Attorney form to Lutz May. Also included is a Courier Ticket showing that the letters were delivered on August 24, 2005, and a confirmation letter from Eurokurier, dated August 31, 2005, which is the company that provided the courier service for Dr. Straus.

In the Decision on Petition, the Petition Examiner correctly noted that the letters to Lutz May’s attorney do not specifically mention that the application papers related to the present application were sent to Lutz May. Enclosed herewith in Exhibit 1 is a Declaration of Alexander Straus stating that the application papers for the present application were in fact sent to Lutz May, but was inadvertently not listed on the letter. See Decl. of A. Straus at ¶ 3.

Accordingly, the Rule 1.47(b) applicant respectfully submits that factual proof exists that a *bona fide* attempt was made to present the application papers to Lutz May for his review and signature, and that he refuses to execute those papers.

**C. Conclusion**

In the event there are any questions relating to this Second Renewed Petition or the other papers submitted concurrently herewith, it would be appreciated if the Patent Office

would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Any fee due is authorized above. Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (119508-00282).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brian Wm. Higgins', with a long, sweeping horizontal line extending to the right.

Brian Wm. Higgins  
Registration No. 48,443

BLANK ROME LLP  
600 New Hampshire Ave., N.W.  
Washington, D.C. 20037  
Telephone: (202) 772-5800  
Customer No. 27557

Date: June 4, 2007

*Serial No.: 10/529,326*

*Atty. Docket No.: 119508-00282*

## **EXHIBIT 1**



## DECLARATION OF DR. ALEXANDER STRAUS

1. I, Alexander Straus, Ph.D., a citizen of Germany, am a Partner in the national Patent Law firm of Becker · Kurig · Straus, which is a partnership according to the German Civil Code. I reside in the firm's Munich office where I am the head of the Biotech Department. As a German and European Patent Attorney, I am licensed to practice patent law in Germany and before the European Patent Office as well as before the Community Trademark Office in Alicante (Spain). I have over 14 years of experience in the field of intellectual property rights and am familiar with the United States Patent & Trademark Office's (USPTO) rules of practice and procedure, patent regulations, and patent laws.

2. I have been asked to provide this declaration on behalf of Magna-lastic Devices, Inc., and Abas Inc., which I understand will be filed in the USPTO in connection with one or more patent applications owned by Abas, Inc.

3. Attached hereto as Exhibit 1 is a true and correct copy of a letter dated August 30, 2005, that I prepared and sent to Brian Higgins, Esq., an attorney representing Magna-Lastic Devices, Inc., and Abas, Inc. The letter indicates that on August 24, 2005, I caused to be delivered to Lutz May, through his attorney in Germany, the patent application papers identified in the letter for Lutz May's review and signature. Due to an oversight, the letter does not identify each of the application papers that were actually sent to Lutz May on August 24, 2005. Below is a list of all of the application papers that I caused to be forwarded to Lutz May on August 24, 2005:

Int'l No.	U.S. Ser. No.	U.S. Atty. Docket No.
PCT/EP02/04871	10/477,180	119508-00103
PCT/EP02/06300	10/480,597	119508-00104
PCT/EP02/06960	10/482,002	119508-00236
PCT/EP02/08820	10/485,960	119508-00255
PCT/EP02/13952	10/498,058	119508-00256

DECLARATION OF DR. ALEXANDER STRAUS

PCT/EP03/09349	10/525,418	119508-00281
PCT/EP03/10634	10/529,326	119508-00282
PCT/EP/04/00044	10/546,169	119508-00297

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like may be punishable by fine or imprisonment, or both, under German and United States law.

Respectfully submitted,

May 30, 2007

Date:

R. P. E. Straus

By: Dr. Alexander Straus.  
Becker Kurig Straus  
Bavariastr. 7  
80336 Munich, Germany

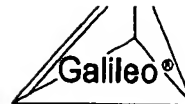
DECLARATION OF DR. ALEXANDER STRAUS

**EXHIBIT 1**

DECLARATION OF DR. ALEXANDER STRAUS

## EXHIBIT 1





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BWK  
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Patentanwälte Becker Kurig Straus • Bavariastr. 7 • D-80336 München

Blank Rome LLP  
Attn.: Mr. Brian Higgins  
600 New Hampshire Avenue, N. W.  
20037 Washington, DC  
USA

BLANK ROME LLP

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COUNSELORS AT LAW

Patent- und Rechtsanwälte  
European Patent Attorneys  
European Trademark Attorneys

Dr. Eberhard Becker, Chem.  
Dr. Thomas Kurig, Dipl.-Phys.  
Dr. Alexander Straus, Dipl.-Chem.  
Dr. Roman Vuille\*, Dipl.-Chem.  
Friedrich von Braun, Rechtsanwalt

Peter Kylin, MSc.<sup>2</sup>  
Magnus Hynell, MSc.<sup>2</sup>  
Annika Björkman, MSc.<sup>2</sup>  
Ivar Andréasson, MSc.<sup>2</sup>  
Eva Lena Jansson<sup>2</sup>  
Magnus Aspeby, MSc.<sup>2</sup> of counsel  
Lars E. Johansson, MSc.<sup>2</sup> of counsel

Bavariastrasse 7  
D-80336 München  
Tel.: +49-89-746 303 0  
Fax: +49-89-746 303 11  
info@galileolaw.de  
www.galileolaw.de

Via Fax and DHL

August 30, 2005  
(AS/SL)

Assignments and Declarations regarding US 10/482,002, US 10/498,058, US 10/480,597, US 10/477,180, US 10/485,960, PCT/EP2004/00044 and PCT/EP03/09349 forwarded to Lutz May

Applicant / Owner: METHODE ELECTRONICS, INC.  
Title: Methode J. May  
Our Ref.: 51856 KLAGE

Dear Brian,

The Assignments and Declarations together with all documents forwarded to us via your e-mail dated August 23, 2005 were sent to Lutz May on August 24, 2005.

For execution of the Assignment and Declaration regarding US 10/482,002 and returning the documents to us we set him a deadline until today. As expected, he did not return the executed formal papers.

For execution and returning the Assignments and Declarations regarding US 10/498,058, US 10/480,597, US 10/477,180, US 10/485,960, PCT/EP2004/00044 and PCT/EP03/09349 we set Lutz May a deadline until September 7, 2005.

We enclose copies of the letters sent to Lutz May on August 24, 2005 together with the official receipt from the courier service, showing that the documents have been delivered and received by Lutz May.

Very truly yours,  
Becker • Kurig • Straus

Dr. Alexander Straus

Encl.: C/letters to Lutz May dated Aug. 24, 2005  
Receipt of courier service

PREVIOUSLY  
DOCKETED

119508.0236  
119508.0256  
119508.0104  
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119508.0262  
119508.0232